

## World Maritime Day 2008

# IMO: 60 YEARS IN THE SERVICE OF SHIPPING

### *Background paper*

#### Origins

The year 2008 contains a number of key milestones and anniversaries for IMO. March 6<sup>th</sup> was the 60<sup>th</sup> anniversary of the adoption of the IMO Convention, by a conference held in Geneva in 1948, under the auspices of the United Nations; March 17<sup>th</sup> was the 50<sup>th</sup> anniversary of that Convention entering into force in 1958; and June saw the 100<sup>th</sup> meeting of the IMO Council, the executive organ of IMO, which is responsible, under the Assembly, for supervising the work of the Organization in between successive sessions of the latter.

IMO – originally known as the Inter-governmental Maritime Consultative Organization, or IMCO – held its first meeting in London in 1959. The purposes of the Organization, as summarized by Article 1(a) of its constitutive Convention, are “to provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships”. The Organization is also empowered to deal with administrative and legal matters related to these purposes.

The need for an international agency for shipping stems from the fact that shipping is perhaps the most international of all the world’s global industries. The ownership and management chain surrounding any particular vessel can embrace many different countries; it is not unusual to find that the owners, operators, shippers, charterers, insurers and the classification society, not to mention the officers and crew, are all of different nationalities and that none of these is from the country whose flag flies at the ship’s stern. And, shipping’s prime physical assets – the ships themselves – move permanently between countries and between different jurisdictions; hence the need for universal standards that can be applied to and recognized by all.

Shipping is also an inherently dangerous occupation, with ships having to confront the worst that the elements can throw at them. Sometimes, disaster strikes – as witnessed by high-profile incidents of the type involving ships such as **Torrey Canyon**, **Exxon Valdez**, **Estonia**, **Erika** and **Prestige**.

There is, therefore, an over-arching logic in favour of a framework of international standards to regulate shipping. Without internationally recognized and accepted standards, you might have the ludicrous situation that a ship leaves country A bound with cargo for country B, fully compliant with country A’s requirements for ship design, construction, equipment, manning and operation, only to find that country B has its own, different requirements. Clearly there has to be a common approach, so that ships can ply their trade around the world and that countries receiving foreign ships can be confident that, in accepting them, they do not place their own safety, security and environmental integrity at an unreasonable risk.

The recognition that the best way of improving safety at sea is by developing international regulations that can be followed by all shipping nations pre-dates the formation of IMO. From the mid-19<sup>th</sup> century onwards a number of such international treaties were adopted. One example is the 1863 rules of the road at sea – known as articles – which were adopted by more than 30 maritime countries.

It was the **Titanic** disaster of 1912 which prompted the adoption, in 1914, of the first International Convention for the Safety of Life at Sea, known then, as now, as SOLAS, after the United Kingdom had called an international conference in the wake of the disaster.



*The Convention establishing IMO (or the Inter-governmental Maritime Consultative Organization (IMCO) as it was then known), was adopted on 6 March 1948, at this conference, held under the auspices of the United Nations in Geneva*



The first Assembly of IMCO was held in London on 6 January 1959 with representatives of some 30 countries present. Mr. Ove Nielsen (Denmark) was appointed as the first Secretary-General and is seen here (centre) taking the oath of office. On the right is the President of the Assembly, Mr. L.C. Audette (Canada)

It was the first convention to lay down international rules governing the safety of shipping, including construction of ships, maintaining a 24-hour listening watch for distress alerts, and making sure enough lifeboats and lifejackets are available on board for everybody on board. After the adoption of the first version, subsequent versions were adopted in 1929, 1948 and, under the auspices of IMO, in 1960. Today, albeit much revised and updated, SOLAS remains the most important of the international conventions regulating maritime safety. Nearly 160 countries are Parties to the SOLAS Convention and its provisions apply to almost 99 per cent of the world fleet.

But it was not until the establishment of the United Nations itself that a permanent international body was created to promote maritime safety more effectively – and that body is IMO. Since its formation, IMO's main task has been to develop and maintain a comprehensive regulatory framework for international shipping. Its mandate was originally limited to safety-related issues but, subsequently, its remit has expanded to embrace, among other things, environmental considerations, legal matters, technical co-operation, issues that affect the overall efficiency of shipping - such as how to deal with stowaways or how a cargo manifest should be transmitted to the authorities ashore; piracy and armed robbery against ships, and maritime security.

### Maritime safety and security

One of the first tasks facing the newly established IMO was to review and revise the 1948 SOLAS Convention. It was in May 1960 that IMO convened its first international diplomatic conference to consider a new SOLAS Convention.

The SOLAS Convention adopted by the 1960 conference (which entered into force in 1965) covered a wide range of measures designed to improve the safety of shipping, including subdivision and stability; machinery and electrical installations; fire protection, detection and extinction; lifesaving appliances; radio; the safety of navigation; the carriage of grain; the carriage of dangerous goods, and nuclear ships. The same conference also adopted a new set of International Regulations for the Prevention of Collisions at Sea, to replace earlier regulations of 1948, and adopted 56 resolutions, many of them calling for action by IMO and, in effect, providing the work programme of the Organization for more than a decade.

The intention was to keep the SOLAS Convention up-to-date by periodic amendments but, in practice, the amendments procedure proved to be very slow. It became clear that it would be impossible to secure the entry into force of amendments within a reasonable period of time.

As a result, a completely new Convention was adopted in 1974 which included not only the amendments agreed up to that date but a new amendment procedure – the tacit acceptance procedure – designed to ensure that changes could be made within a specified (and acceptably short) period of time.

Instead of requiring that an amendment shall enter into force after being accepted by, for example, two thirds of the Parties, the tacit acceptance procedure provides that an amendment shall enter into force on a specified date unless, before that date, objections to it are received from an agreed number of Parties.

As a result, the 1974 Convention has been updated and amended on numerous occasions and the Convention in force today is